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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.
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09/730,380 12/05/00 LILJEGREN

K 5432/01004

DARBY & DARBY P.C.
805 THIRD AVENUE
NEW YORK NY 10022

HM22/1019

EXAMINER

AULAKH, C

ART UNIT	PAPER NUMBER
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1625

DATE MAILED:

10/19/01

Please find below and/or attached an Office communication concerning this application or proceeding.

Commissioner of Patents and Trademarks



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EXAMINER

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ART UNIT

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Commissioner of Patents and Trademarks

Office Action Summary

Application No.
09/730,380

Applicant(s)
Liljegren, K. et al.

Examiner
CHARANJIT AULAKH

Art Unit
1625



-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136 (a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on Sep. 18, 2001.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11; 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-61 is/are pending in the application.
- 4a) Of the above, claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-61 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claims _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are objected to by the Examiner.
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. § 119

- 13) ☐ Acknowledgement is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d).
- a) ☐ All b) ☐ Some* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- *See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgement is made of a claim for domestic priority under 35 U.S.C. § 119(e).

Attachment(s)

- 15) ☐ Notice of References Cited (PTO-892) 18) ☐ Interview Summary (PTO-413) Paper No(s). _____
- 16) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948) 19) ☐ Notice of Informal Patent Application (PTO-152)
- 17) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s). _____ 20) ☐ Other: _____

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DETAILED ACTION

1. According to paper no. 8 filed on Sep. 18, 2001, the applicants have amended claims 1-35 and furthermore, have added new claims 36-61.
2. Claims 1-61 are now pending in the application.

Response to Arguments

3. Applicant's arguments filed on Sep. 18, 2001 (paper no. 8) have been fully considered but they are not persuasive regarding prior art and obviousness rejections. The applicants have amended claims to overcome indefiniteness rejections. Regarding prior art rejections, the examiner does not agree with the applicant's arguments that the cited references do not teach either of the dosage form (tablet or capsule). The pharmaceutical compositions comprising citalopram including tablets and capsules are disclosed by both the references (see Patent 4,943,590 col. 8, line 55 to col. 9, line 48 as well as Patent 4,136,193 col. 7, line 64 to col. 8, line 62). Regarding obviousness rejection, the examiner does not agree with the applicants arguments that Bymaster does not teach or provide any motivation to prepare the claimed dosage form (tablet by direct compression). Bymaster teaches that the adjunctive therapy of the present invention may be administered together, in a single dosage form, or may be administered separately (see col. 9, lines 30-38). Bymaster also teaches preparing tablets by direct compression (see col. 10, line 31) as well as preparing capsules (see col. 10, line 24).

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Conclusion

4. Rejection under 35 U.S.C. 112, second paragraph is now withdrawn in view of amendment.

5. Rejection of claims 1-61 under 35 U.S.C. 102 (b) and 35 U.S.C. 103(a) is maintained for the reasons of record.

6. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the mailing date of this final action.

7. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Chana Aulakh whose telephone number is (703) 305-4482. The examiner can normally be reached on “ Monday-Thursday “ from 7:30 A.M. to 6:00 P.M.

If the attempts to reach the examiner by telephone are unsuccessful, the examiner’s supervisor, Ms. Jyothisna Venkat, can be reached on (703) 308-2439. The fax number for this Group is (703) 308-4556.

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Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the Group's receptionist whose telephone number is (703) 308-1235.

C. S. Aulakh

CHARANJIT S. AULAKH

PRIMARY EXAMINER